

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: August 16, 2001

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA01-0052 for Use Permit and Site Development Permit.

PROPOSAL: Use Permit to allow for over height walls and garage structure in the setback area; and, to permit a second residential unit (caretaker's quarters) accessory to a proposed new 8,500 square feet, two-story single-family dwelling. Site Development Permit for grading in excess of 5,000 cubic yards in conjunction with the construction of the new dwelling. The project site is 1.35 acres in size and zoned for single-family dwellings.

LOCATION: In the North Tustin area at 2132 La Cuesta Drive, Santa Ana. Third Supervisorial District

APPLICANT: Richard Price, property owner
Brion S. Jeannette, architect and agent

STAFF William V. Melton, Project Manager
CONTACT: Phone: (714) 834-2541 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA01-0052 for Use Permit and Site Development Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is an irregular shaped parcel totaling 1.34 acres or 58,841 square feet. Foothill Blvd borders the site to the west, La Cuesta Drive to the south and east and a residential site to the north. Access to the site is from a northeastern leg of La Cuesta Drive. The property is composed of two legal building sites, Lots 4 and 5 of Tract 670. The property is zoned 125-E4-20000 District (Small Estates with a minimum lot width of 125 feet and a minimum lot area of 20,000 square feet). The combined lots conform to the zoning standards.

The property is presently developed with a single-family dwelling that is located near the intersection of La Cuesta Drive and Foothill Blvd. The applicant proposes to demolish this residence and construct a new three-level (two stories above a basement level), 9,548 square feet (living area plus garage) single-family dwelling at approximately the same location. To the east of the residence, where La Cuesta forms a semicircle around the property, the applicant proposes to construct a detached 12,049 square feet three-level (two stories over a basement level) accessory structure to be use primarily for housing the

applicant's classic show cars. This structure has three access points from La Cuesta Drive. The basement level has a display area for show cars and a drive-thru area for a show car transport trailer. The second level provides for additional show car storage, vehicular access to the three-car garage for the main residence and the caretakers single-car garage. The third level is a one-bedroom caretakers residence. The proposed development of this property has grading quantities estimated at 5,071 cubic yards with 600 cubic yards of export material.

In order to construct this proposal, the applicant is required to obtain approval a Use Permit to: 1) permit the caretakers residence, which by Zoning Code definition is a *second residential unit*; and 2) permit the over height accessory show car structure in a setback area. A Site Development Permit is required the average slope of the property exceeds 15 percent and the grading exceed 500 cubic yard. A discussion of these two permits is discussed later in this report.

SURROUNDING LAND USE:

The subject site and all surround land use is zone 125-E4-20000 District and the area is developed with larger single-family dwellings.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to seven County Divisions, the North Tustin Advisory Committee (NTAC) and Foothills Community Association.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff. NTAC recommended project approval. The Foothills Community Association did not respond.

CEQA COMPLIANCE:

Negative Declaration No. PA010052 (Exhibit 2) has been prepared for this proposal. It was posted for public review on July 24, 2001 and became final on August 13, 2001. Prior to project approval, this ND must be found adequate to satisfy the requirements of CEQA by the Zoning Administrator. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The applicant is proposing demolition an existing one-story single-family dwelling and construction of a new three-level single-family dwelling and a three-level accessory structure. In order for the applicant to construct the proposal, approval of three discretionary actions are required as follows: 1) Use Permit for a second residential unit, caretakers residence; 2) Use Permit for over height structures in the setback area; and, 3) Site Development Permit for grading in excess of 500 cubic yards on a site with a slope greater than 15 percent. Following is discussion of each of the discretionary permits required.

Use permit for a second residential unit

Second residential units per Zoning Code Section 7-9-146.5 are permitted any zone permitting a single family dwelling subject the approval of a Use Permit. There are four other criteria that need to be satisfied before a Use Permit for a second residential unit can be approved. These four criteria are as follows:

1. Accessory to a single family dwelling
2. Cannot exceed 1,200 square feet of habitable living space if detached
3. Cannot be located in any building setback area
4. Provide for one additional standard covered or uncovered on-site parking space

Regarding criteria 2, 3 and 4 above, the proposed second residential unit is detached with 1,016 square feet of living area, it is not located in a setback area¹ and is provided a separate one-car garage. Regarding criteria 4, because the existing dwelling will be demolished, the proposed second residential unit would not be accessory to an existing single-family dwelling until after the new dwelling is constructed. In past proposals where a second residential unit was to be constructed concurrent with the main single family dwelling, staff has included the following condition of approval:

Construction on the principal single-family dwelling and the structure containing the second residential unit can take place at the same time, however, a use and occupancy permit for the principal single-family dwelling must be issued prior to issuance of a use and occupancy permit for the second residential unit.

Addition of this condition will satisfy the criteria that the second residential unit is accessory to a single family dwelling. This condition is included as condition number 20 in the project's Conditions of Approval, Attachment B. The proposal will therefore conform to all the requirements set forth in Zoning Code Section 7-9-146.5 allowing a request for a second residential unit to be approved.

Use Permit for over height structures in the setback area

Because of the irregular shape of the lot, setbacks for this lot were determined by Zoning Code Section 7-9-128.10. The applicant agreed with the setbacks established for this lot. While the site is addressed from La Cuesta Drive, the front on the lot was determined to be on Foothill Blvd. The front setback on Foothill Blvd. transitions to a side setback along La Cuesta Drive and then transitions into a rear setback on La Cuesta Drive where it is furthest away from Foothill Blvd. The property line that is shared with another property to the northwest is a side property line. The proposed main residence conforms to all E4 setback requirements.

¹ While part of the accessory structure is in a side setback area, that portion of the structure designed as the living area of the second residential unit is not within the setback area

Zoning Code Section 7-9-137 (e) allows a maximum accessory building height of 12 feet the a detached accessory structure which is located between the setback line to within 8 feet of the rear property line. Portions of the accessory structure² are in the rear setback area and exceed the height permitted. The building height at the driveway entrance to the basement level is approximately 18 feet in height from driveway grade and is setback approximately 14 feet from the rear property line (La Cuesta Drive). Additionally, an architectural tower element is located at the north driveway with a height of 21 feet above finished grade and setback 21 feet – 4 inches from the rear property line. Adjacent to that is a roof section with a height of 16 feet above finished grade and setback 11 feet – 9 inches from the rear property line.

Except for the incursions listed above, the majority of the carriage garage conforms to Section 7-9-137. Because the lot is very irregular, the carriage garage does not abut an adjoining residential site and extensive landscaping will be installed between the carriage garage and the street, staff can support the request for an over height structure in the rear setback area.

Site Development Permit for grading

Because grading on site exceeds 500 cubic yards on a slope greater than 15 percent, Zoning Code Section 7-9-139 requires approval of a Site Development Permit. Grading on site is close to balanced. The grading plans call for 5,071 cubic yards of cut (coming mostly from the excavation required for the basement level of the two structures) and 4,553 cubic yards of fill (mostly for the terracing and pool in front of the main residence), leaving 500 to 600 cubic yards of export to an approved dump site. Standard Conditions of Approval for grading and drainage will address any grading concerns. Staff notes that the lowering the building heights by excavating for basement levels does increase the amount of grading required. The lowering of overall building height through the use of grading techniques should make the proposed structures more compatible with surrounding land use. Staff supports the grading proposed.

Staff would also point out that this site has dense vegetation with many large pine trees. The existing home is set in the middle of this vegetation and is screened from view from the surrounding surface streets. The grading and home construction activities will eliminate a majority of this vegetation. The Negative Declaration prepared for this proposal did not detail any tree preservation plans that were applicable to the subject site. With the loss of vegetation the home and accessory structure will be visible. An extensive landscaping plan is proposed by the applicant and over time the vegetation will help screen the structures. Since all the vegetation to be removed is on private property and there is no tree preservation or removal plan applicable to the site, staff is not recommending any conditions regarding the loss of trees and vegetation.

As noted previously, staff supports the applicant's request for a second residential unit, over height structures in the rear area, and the grading required to develop the property as required by the applicant. Staff recommends project approval as follows.

² The accessory structure has a basement level accessed from La Cuesta on the east. Above this basement level is a portion called the "carriage house" and a portion area called the "carriage garage". The carriage house is two stories above grade and contains the caretaker's residence. The carriage garage is one story above grade and is closest to La Cuesta. It is this portion that requires a Use Permit. The driveway to the main residence is between the carriage house and carriage garage, and connects to La Cuesta from the north.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA01-0052 for Use Permit and Site Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

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APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Environmental Documentation
3. Site Photos
4. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.